

IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENN MILLER DOOLIN,
Appellant(s),

vs.

THE STATE OF NEVADA
DEPARTMENT OF CORRECTIONS,
Respondent(s),

Electronically Filed
Nov 09 2017 11:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No: A-16-745766-W

Docket No: 73698

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
GLENN DOOLIN #1023173,
PROPER PERSON
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ATTORNEY FOR RESPONDENT
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A-16-745766-W

Glenn Doolin, Plaintiff(s)

vs.

Nevada State of, Defendant(s)

I N D E X

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Glenn Doolin #
Succ PO Box 208
Indian Springs NV
89370
(Petitioner pro-per)

A-18-745766-W
IPWMC
Inmate Filed - Petition for Writ of Habeas
4594329



FILED

OCT 27 2016

John J. ...
CLERK OF COURT

District Court
Clark County Nevada

Glenn Doolin,
Petitioner,

vs ~

The State of Nevada,
The Nevada Department of
Corrections, et al
Respondents.

A-18-745766-W

Case No. ~~CA84106~~ ^{VII}

Dept No: ~~xxx~~

"Petition for writ of Habeas"
Corpus, pursuant to NRS 34.724
(Calculation of Imprisonment)

Comes now the Petitioner, Glenn Doolin, in proper person, with the assistance of an inmate law clerk, in the above entitled document "Petition for writ of Habeas Corpus pursuant to NRS 34.724, Calculation of Imprisonment". This petition is made in good faith and based upon the following.

RECEIVED
OCT 24 2016
CLERK OF THE COURT

11

24

- 1) Name of institution and County in which you are presently imprisoned and restrained of your liberty?
" Southern Desert Correctional Center, Clark County NV.
- 2). Name the location of Court which entered judgment of conviction?: Eighth Judicial District Court, Clark County NV.
- 3). Date of Judgment of Conviction: 4/26/13
- 4). Case Number: C284106-1
- 5) Length of Sentence: 60 months minimum to 150 months maximum, Small Habitual Criminal Statute.
- 6). Nature of offense: NRS 205.228; 193.130, Grand larceny - auto; NRS 205.080 possession of Burglary tools.
- 7). Questions # 7-22 are "Not Applicable". Petitioner does not challenge the conviction or sentence pronounced, Only the time has spent incarcerated and the Respondents application of Credits earned while incarcerated, and the calculation of such towards the sentence structure by the Nevada Department of Corrections.

Statement of Case

On June 15th 2012, the Petitioner was arrested and charged with, Count one: Grand larceny - auto (NRS 205.228, NRS 193.130 ; and Count Two: Possession of Burglary tools, NRS 205.080. On January 9th 2013, the Petitioner entered guilty pleas pursuant to plea deal negotiations, and was then sentenced on April 3rd 2013, by the Eighth Judicial District Court, which adjudged the Petitioner under the Habitual criminal Statute under count one, pursuant to NRS 207.010(a). The court pronounced sentence as a minimum term of (60) Sixty months and a maximum of (150) One Hundred and Fifty months. The judgement of conviction was signed on April 24th 2013 by Judge K. Delaney, and filed on April 26th 2013.

The Petitioner, now being imprisoned in the Nevada Department of Corrections has been denied the correct application of Statutory (good time) credit days provided by the State of Nevada legislature enacted under NRS 209.4465, (Assembly Bill #510), as such the Petitioner's rights to Due process and Equal Protection of the law under the Fifth and Fourteenth Amendments to the United States Constitution have been violated and the Petitioner has been deprived of an liberty interest by the Respondents actions. Petitioner now submits the following grounds for the courts review and relief.

Ground One

The Petitioner has been denied his Constitutional Right to Due Process and Equal Protection of the law guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution by the acts of the Nevada Department of Corrections, (Respondents)

The Petitioner was sentenced and adjudged guilty by the Eighth Judicial District Court on April 10th 2013, to the charges of Count One: Grand Larceny - auto, NRS 205.228(2) an Category C felony. The Petitioner was then sentenced under the "Small Habitual Criminal Statute", NRS 207.010 (a) to a minimum term of not less than (60) Sixty months and a term of not more than (150) One Hundred and Fifty months.

As the Petitioner was found guilty of an Category C felony, the Petitioner is allowed to receive credit days towards his "minimum sentence" structure pursuant to NRS 209.4465. The Nevada Department of Corrections (N.D.O.C.) as the Petitioner's custodian, has denied the proper application of NRS 209.4465, and therefore denied the Petitioner the Equal Protection of the law enacted by the State of Nevada Legislature without Due Process of the law.

The Petitioner was sentenced pursuant to NRS 207.010 (a) which provides for a Minimum/Maximum term as a sentence structure. NRS 207.010 (a) provides a penalty of a minimum term of not less than (5) years and a maximum term of not more than (20) years. As such the Petitioner was sentenced under one of two forms/styles used in the State of Nevada. The First is expressed under the punishment clause of an NRS statute as: "... Be punished by imprisonment in the State prison for a minimum term of not less than [x] years and an maximum term of not more than [y] years .." (This is known as a Minimum Maximum Sentence Structure).

The Second style of sentence structure used in the State of Nevada is an "Parole Eligibility" sentence construction, which is expressed as: "... Be punished by imprisonment for an Maximum term of [x] years with the eligibility of parole when a minimum of [y] years has been served ..". The Petitioner is clearly sentenced under the first sentence clause construction as no language of Parole Eligibility is contained in the Petitioner's punishment clause, and as such meets the criteria to be granted earned statutory credit application under NRS 209.4465 towards the minimum sentenced term. Here, the B.D.O.C. has denied this application, though the Nevada Legislature has declared otherwise.

The provisions and enactment of NRS 207.010 to NRS 207.016 inclusive, created by the State Legislature are to be seen and used as an "Enhancement" to the original charge or base offense found guilty of and is Not seen as or expressed as an "Seperate offense" to be convicted of as an alleged crime. (See "Crutcher vs. Eighth Jud. Dist. Ct., 903 P.2d 823 (1995)"; and "Parkerson vs State, 678 P.2d 1155, (1984)"). The Courts also do not distinguish between the "types" of crime committed when declaring the Habitual Criminal enhancement as an sentence ("Argichis vs. State, 843 P.2d 800 (1992)"); yet is viewed as mitigating evidence presented at the time of sentencing.

Here, the Petitioner was found Guilty of an Category C felony, yet recieved as an punishment for such alleged statute violation an Category B punishment. Yet the Petitioner was Not found guilty of an Category B felony. A status and enhancement can not be a factor when applying NRS 209.4465 towards the Petitioners sentence structure, especially when the Habitual Criminal enhancement punishment is only warranted for a defendants status as an recidivist, not for an convicted offenders conduct under the base offense charged. An Habitual Criminal proceeding does Not charge a Seperate offense, it is only used to increase punishment if found true (quote "Howard vs. State, 422 P2d 548 (1967)"). As such, an Category B "punishment" is not an Category B "conviction".

The status as an Habitual offender does not increase punishment of the "Principal offense" for which a defendant is on trial for (quoting "Howard vs. State, 422 P.2d 348 (1967) ; and "Odums vs. State, 714 P.2d 568 (1986)"), but issued to those who are considered as a recidivist. This is true as the State legislature did not authorize punishments for both the primary offense charged and the Habitual Criminal Status. The Legislature has given guidance that the Habitual Criminal Status is Not substantive offenders, (Separate as an Status). The Petitioner has established that being adjudged as an Habitual offender, which is only a status and not a separate offense, the Petitioner is only convicted of the alleged conduct under an Category C felony.

As the Petitioner was Convicted of an Category C felony as the primary offense, the provisions of NRS 209.4465, allowing the application of earned statutory credits and or work time credits to be applied to the minimum term of imprisonment is allowed and must be applied by the N.D.C., yet since the year 2007, the Offender Management Division of the NDOC has failed to follow the statute mandates as the Nevada legislature had intended by enacting the amendments of NRS 209.4465 under Assembly Bill #510 (A.B.510). The Offender Management Division (O.M.D) has created its own flawed interpretation of NRS 209.4465 and its application, which Denies the Petitioner Equal Protection of the law.

The provisions of NRS 209.4465, section 1 reads as follows: "... 1) An offender who is sentenced to prison for a Crime Committed on or after July 17th, 1997, who has No serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement, or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender Must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

A deduction of (20) days from his or her sentence for each month the offender serves."

NRS. 209.4465 section 7 dictates the application of earned credits under NRS 209.4465. subsection 1 towards the Petitioner's sentence structure and terms, and provides:

"... 7) Except as otherwise provided in subsections 8 and 9, credits earned pursuant to this section:

(a) Must Be (applied) deducted from the maximum term or the maximum aggregate term imposed by the sentence, as applicable and

... (b) Apply to eligibility for parole unless the offender was sentenced pursuant to an statute which specifies a minimum sentence that must be served before a person becomes eligible for parole..."

NRS 209.4465(7)(b) mandates the application of earned credits towards the minimum sentence term of the Petitioner's sentence structure, as the Petitioner does not have a sentence structure that contains or requires a minimum term that first must be served to become parole eligible. As such, credits earned because the Petitioner is "An offender sentenced to prison for a crime committed on or after July 17th 1997" (quoting NRS 209.4465 Sec 2), the Petitioner's credits earned must be applied to the minimum term of incarceration, here a minimum term of Sixty (60) months. The crime committed as alleged by the Petitioner is a Non-violent Category C felony, pursuant to NRS 205.228 "Grand larceny - auto".

NRS 209.4465 section 8 application criteria of earned credits does not apply to the Petitioner nor pronounce the denial of credit application towards the Petitioner's minimum sentence structure as the criteria under subsection 8 does not list the Petitioner's category of convicted offense, as an offense that only receives credit application from the maximum sentence structure.

NRS 209.4465(8) provides the following criteria:

"... 8). credits earned pursuant to this section by an offender who has Not been convicted of:

(a) Any crime that is punishable as a felony involving the use of or threatened use of force or violence against the victim;

(b) a sexual offense that is punishable as an felony;

(c) A violation of NRS 484C.110; 484C.120; 484C.130 or 484C.430 that is punishable as an felony or;

(D) A category A or B felony, ↓

Apply to eligibility for parole and except as otherwise provided in Subsection 9 Must be deducted from the minimum term or the minimum aggregate term imposed by the sentence, as applicable, until the offender becomes eligible for parole and Must be deducted from the maximum term or the maximum aggregate term imposed by the sentence as applicable ... "

This NRS Subsection 8 mandates the application of earned credits to be applied to the minimum term and maximum term of imprisonment as the Petitioner does not have any of the listed elements contained in subsection 8)(a)(b)(c) or (D) which preclude the application of credits towards the minimum sentence.

Here, The offender management division (O.M.D.) has stated under its memorandum issued by Mr. Rex Reed on January 31st 2008, that "an expiration date is an conditional date" and "a person will know their actual date of release when the computer logs such in (10) Ten days Before release". The O.M.D. department has also provided in this memorandum that "Inmates earning good time, work and meritorious credits constantly move their actual discharges dates"; (This position assumes that all applied and earned credit must be applied to the maximum term an offender is sentenced to serve).

This memorandum further portrays that the O.M.D. "assumes" all dates, and these dates are assumed by an computer which is only a "guide" and maybe even be considered as Fictional dates. This computer "assumption" causes for the intended mandates and provisions of the Nevada Legislature "Null and Void", as a "Given that the actual discharge date is Unknown for most of an offenders prison term". (See attached Exhibit A), as "Different Custodies and Sentences can earn (credits) at, different rates". Nowhere does the Nevada Legislature provide the N.D.O.C with the authority under NRS 209.4465 to apply credits to offenders in different custodies or sentences, as All offenders in the custody of the N.D.O.C earn (20) Twenty days each month the offender serves for being committed to the NDOC for a crime the offender has been convicted of.

The application of NRS 209.4465 by the Nevada Dept. of Corrections and the C.I.D. department which oversees the offenders sentence, and imprisonment conditions, is clearly in direct violation of the law of the State of Nevada and violates the Protections of said law to be Equally and Fairly applied, further "Common sense" would severely question the Calculation process of an offenders sentence structure and the recording of such credits earned by the offender, that a person would be "shocked" to learn their sons or daughters time incarcerated is assumed by a computer that "Counts the chickens before they hatch" (credits earned are Assumed to be earned by an offender Before he earns such to determine the Fictional expiration date of the offender).

The N.D.O.C. has deliberately Overstepped their authority to interpret the NRS statute (209.4465) as they deem appropriate and correct. Petitioner is entitled to the correct application of the law as was enacted by the State Legislature, especially when a persons freedom and release from Confinement is at stake and being delayed beyond the punishment that was ordered to be served by the Eighth Judicial District Court. Clearly, this Courts De Novo review is warranted and needed to protect the interests of the offender before further injustice occurs.

"An Statutes interpretation is a Question of law, that Must be reviewed De Novo" ("State of Nev. vs. Catano, 102 P.3d 588 (2004)"). Here, the court has an duty to interpret the provisions (named here) which are under a common statutory scheme "Harmoniously" with one another to avoid Absurd results. ("Torreale vs. Kesmetis, 178 P3d 716 (2008)").

The Court now is presented with a direct question of law, which affects the freedom of the offender, that being "Does the Petitioner receive credits under NRS 209.4465 as he was convicted of an Category Non-Violent C felony as the punishment he is under is Not an convicted crime of substantial offense"? And "does the current calculation of credits earned by an offender currently in place by the N.D.O.C violate the liberty interests and Due Process of the law"; "as an offender has No choice but to rely upon the computer assumption of an fictional release date projected untill about 10 days before he could be released"? The answers should be Yes to both questions, as how is any offender not allowed or able to keep "Checks and balances" at all times upon the authority charged to keep custody of an offender and his release date from such custody if the offender's calculation based upon the NRS is incorrect as the Authority doesn't comply with such.

• "No part of an statute should be rendered nugatory nor any language turned to mere surplusage, if such consequences can be avoided", (quoting "Independant American Party vs Law, 280 P.2d 1391 (1994)"). As the statute governing the Habitual Criminal statute is a Status, not a convictable crime or offense, it can not be used to determine or application of an NRS that clear words its application towards an offender who was "sentenced to prison for a Crime committed". The alleged crime committed by the Petitioner is an Non-violent category C felony under NRS 203.228. The language used in these NRS statutes proves that the Petitioner has suffered an injustice by being denied the correct and mandated application of a statute that ~~concerns~~ his release from confinement of the N.D.O.C.

The Respondents can not continue to violate and ignore the Nevada Legislature and apply the law against its intent, mandate and authority, thus violating the Due process and Equal Protection of the laws of the United States Constitution under the Fifth and Fourteenth Amendment, as now it has amounted to an Miscarriage of Justice

Conclusion

The Petitioner has supplied the facts that surround the legal theory that has denied the proper and or correct application of the laws of the State of Nevada by the Nevada Dept. of Corrections and its sub-division the Offender Management department. The Petitioner requests this court to review the interpretation and enforce the correct application of the concerned statutes **contained** herein, and Grant the Petitioner the relief of credits being applied to the minimum term of incarceration and what justice requires.

Respectfully submitted this x 18th day of October
2016.

x Glenn M. Declin
Mr Glenn Declin #1023123
SDCC PO Box 208
Indian Springs NV
89070
(Petitioner in Proper Person).

Affirmation

NRS 239B.030

The undersigned, does hereby Affirm that the preceding "...
"Petition for writ of Habeas Corpus, calculation of Imprisonment"
Does Not Contain the Social Security Number of any party
named or concerned

10-18-16

Date

Glenn Doolin

Mr Glenn Doolin
1023173

Certificate of Service

I, Glenn Doolin, do hereby Certify, that pursuant to NRCAP
5(b), that on this 18th day of October 2016, I mailed
a true and correct copy of the foregoing: "Petition for writ
of Habeas Corpus calculation of Imprisonment", to the following:

Eighth Judicial Dist. Ct

Attn: Court Clerk,

200 Lewis Ave

3rd Floor

Las Vegas NV 89155

16
H

Exhibit A

~ memorandum of OMD by Rex
Reed

~ 4 pgs

~ Dated 1/3/2008



Nevada Department of Corrections

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Sentence Estimates

DEPARTMENT OF CORRECTIONS

Offender Management Division

P.O. Box 7011

Carson City, NV 89702

(775) 887-3298

Fax: (775) 887-3243

MEMORANDUM

To: Departmental Staff

From: Rex Reed, Administrator

Offender Management Division

Subj: Sentence Management

Date: January 3, 2008 #

Issue: *Inmates, families and friends have questioned the computation of projected parole and discharge dates.*

Response: Those with an interest in parole and discharge dates sometimes do not understand how an inmate's actions can change his projected expiration date and actual discharge date. A short explanation follows:

Explanation of Projections used in Sentence Computations

A projected expiration date is a conditional date. Inmates earning good time, work, and meritorious credits constantly move their actual discharge dates. [Given that the actual discharge date is unknown for most of an inmate's prison term] the department provides inmates with a service that estimates a discharge date. That estimate calculated by the department's computer should be considered a guide, maybe even fictional, [until the computer locks in an actual date approximately seven to ten days before release.]

Departmental computers provide inmates with estimated parole eligibility and expiration dates by assuming an inmate earns the maximum amount of flat, statutory good time, and work credits. Unfortunately, many inmates do not earn the maximum amount of days. Days are also referred to as credits. Work, flat, and statutory good time credits are posted once a month. If an inmate does not earn the maximum number of credits, the computer changes the estimated release date at the time of posting.

Assume the computer system estimates the sentence expiration of a medium custody inmate from the first of the year and with one year left on a sentence. At a maximum, such an inmate earns approximately 30 days of flat time, 10 days of work credit, and 20 days of statutory good time. (Note: Different custodies and sentences can earn at different rates.) That totals 60 credits per month (or 2 credits for every day served.) The computer does not estimate meritorious credits. Therefore, staff have programmed the computer to assume the inmate earns approximately 60 days of credit each month. Assume the inmate has one year left on his sentence. Therefore, the inmate can earn the 365 days needed to expire his sentence in slightly over six and not twelve months. The computer estimates the inmate will finish his sentence on July 3.

Using the same assumptions listed above, the computer can estimate a new projected or fictional expiration date should the inmate earn meritorious credits, such as 120 credits for an associate of arts degree. When the graduation paperwork is filed with the department, staff post, and the inmate receives, all 120 credits. Because the computer is programmed to assume the inmate is earning approximately 60 days of total credits for each month served, the computer will credit the inmate's sentence all 120 days and move the projected release up two months. The computer calculates the inmate's

60 = 2 months

new fictional expiration date to be shortened by only 60 days because the inmate earns two days of credit for every actual day he serves. His projected release date will move from July 3 to May 3.

The opposite effect is found in computer calculations when an inmate forfeits statutory good time. Assume an inmate forfeits 120 days of statutory good time for destroying state property. Assuming the inmate continues to earn two days each day served, he can earn the 120 days of credit he forfeited in only 60 days. His new projected expiration date will lengthen his actual prison stay just 60 days and not 120, that is from May 3 back to July 3.

Staff and inmates should always remember that fictional expiration and parole dates are constantly moving estimates trying to reflect what will be the actual release date, which is also constantly moving based upon an inmate's number of flat plus earned work, statutory good time, and meritorious credits and less forfeited statutory good time. Because the computer system uses fixed assumptions while inmates earn credits in a fluctuating fashion, estimated date movements cannot be calculated by simply adding or subtracting credit awards or forfeitures in a one-for-one fashion.

People interested in how release dates move will find the table listed below helpful. The table shows that when an inmate receives a meritorious award the old estimated sentence structure includes months that the inmate will no longer serve. Therefore, most of the credits in May and all of those in June and July that were credited to the inmate are no longer available to the inmate. The approximately 60 credits the inmate will not earn in May, June, and July have to be made up by the 120-day award before the new estimated release date can move forward. 120 days minus 60 days is 60 days. Therefore, the new estimated date will move up approximately 60 days from July 3 to May 3. Although the new estimated release date moves only 60 days forward, the computer gives the inmate his full 120 days of credit for the meritorious award. A similar but opposite movement occurs when the inmate loses 120 credits due to a disciplinary. The actual release date moves back two and not four months.

This table graphically represents how the department's computer software would estimate a medium custody inmate's sentence expiration with one merit award of 120 days and one disciplinary forfeiture of 120 days if the inmate has 365 days remaining on his sentence as of January 1.

Inmate Time if No Merit or Stat Forfeitures						Inmate Time if One Merit Award and One Stat Forfeiture			
Month	Flat Time	Work Earned	Statutory Good Time Earned	Total Sentence Credits	Days Remain-ing in Sentence	Merit Award	Days Remain-ing in Sentence	Disciplinary Forfeiture Days	Days Remain-ing in Sentence
JAN	31	10	20	61	304		304		304
FEB	28	10	20	68	246		246		246
MAR	31	10	20	61	185	120	65		65
APR	30	10	20	60	125		5	-120	125
MAY	31	10	20	61	64	Note #1			64
JUNE	30	10	20	60	4				4
JULY	2	1	1	4	Note #2				Note #2
TOTALS	183	61	121	365					

Note #1: As the inmate in this scenario has five days left at the end of April, he will discharge May 3rd with three days of flat time, one day of stat time, and one day of work time.

Note #2: As the inmates in this scenario has four days left at the end of June, he will discharge July 3rd with two days of flat time, one day of stat time, and one day of work time.

What determines when an inmate is released from prison?

An inmate is released from prison when he completes his sentence. If an inmate is sentenced on January 1, 2009 to 600 days (20 months), then he will be released from prison on September 1, 2010. If, however, the inmate takes advantage of the statutory good-time credits, work and study credits, and meritorious credits the law offers, [he can cut his sentence from 20 months to 10 months or less.]

What is a projected expiration date?

When an inmate begins his sentence, NDOC projects or computes in advance how many days the inmate needs to serve in order to discharge or

complete his sentence. Staff have programmed the computer to estimate the projected expiration date based upon the assumption that the inmate will earn the maximum good time credits and work time credits available while he is in prison. One credit equals one day. For example, if an inmate begins a 600-day (20 months) sentence on January 1, 2009, then NDOC projects that during each month in prison, the inmate will earn 30 days flat time, 20 days good time, and 10 days work time, for a total of 60 days per month. So, NDOC projects that the inmate will complete his 600-day (20 month) sentence in 10 months (60 days credit x 10 months = 600 days) and gives him a projected expiration date of November 1, 2009. A simpler way to compute the projected expiration date is to divide the sentence by two. In other words, NDOC projects that if, and only if, an inmate works or studies and abides by prison rules, he can cut his sentence in half. Unfortunately, most inmates do not take advantage of the maximum good time credits and work credits available.

How does the inmate's conduct change the projected expiration date?

Inmates often misunderstand that the projected expiration date is conditioned upon the inmate's earning 20 days good time credit and 10 days work time credit every month he is in prison. If he does not earn the projected good-time credits or work time credits, then his projected expiration date will change or move back. If, for example, the inmate does not work while he is in prison, he only earns 50 days each month (30 days flat time plus 20 days good time instead of 60 days each month towards the completion of his sentence). This means it will take him 12 months to complete his 600-day (20 month) sentence (30 days flat plus 20 days good time credit x 12 months = 600 days). So the inmate's not working causes him to spend 2 more months in prison than he would have if he had worked, and results in a negative change to his projected expiration date from November 1, 2009 to January 1, 2010.

The inmate's violation of prison rules can also change his projected expiration date. An inmate can earn 20 days of good time credit each month if he stays out of trouble. Violation of prison rules can result in the loss of some or all of the good time credits that the inmate has accumulated. For example, if an inmate has the above projected expiration date of November 1, 2009, and he loses 120 days of good time credit, this results in a negative change to his projected expiration date from November 1, 2009 to January 1, 2010.

On the other hand, if an inmate earns meritorious or educational credit, or works in a conservation camp, he can positively change his projected expiration date and shorten his sentence. The projected expiration date does not take into consideration in advance that an inmate will earn meritorious or educational credit, so when an inmate earns meritorious or educational credit, he shortens his sentence. If, for example, an inmate takes classes and earns 120 credits, then he takes 120 days off his sentence. It is extremely important to understand that this 120 days is not subtracted from his projected expiration date, but is subtracted from the length of his original sentence. By earning the 120 days meritorious credit, the sentence is shortened from 600 days to 480 days. NDOC then re-computes his projected expiration date by projecting how long it will take the inmate to serve his 480 days (assuming or projecting that the inmate will earn all the maximum good time credits and work time credits possible) which positively changes or moves up his projected expiration date.

Why does an inmate's projected expiration date stay the same when he has earned the maximum amount of available work time credits and good time credits?

The projected expiration date stays the same because the date already includes the maximum available good time and work time credits. As long as, and only as long as, the inmate earns 60 days per month (30 days flat time plus 20 days good time plus 10 days work time), he can serve his 600-day sentence in 300 days.

How often does NDOC compute the projected expiration date?

NDOC re-computes an inmate's Projected Expiration Date at the beginning of each month. If the inmate during the previous month earns less than 10 days work time credits or he forfeits good time credits, his projected expiration date negatively changes and his release date moves further out. If he earns 20 days good time and 10 days work time, then his projected expiration date stays the same. If he earns meritorious credit, then his projected expiration date can move up.

Why did NDOC only move up an inmate's projected expiration date sixty days if he earned 120 days for getting an associate's degree? Isn't the NDOC program only giving the inmate credit for half the days he earned and robbing him of 60 days?

The answer is clearly no. You cannot subtract the 120 days from the projected expiration date. You have to subtract the 120 days from the length of the original sentence. For example, let us suppose an inmate is sentenced on January 1, 2009 to 600 days. NDOC correctly sets his projected expiration date at November 1, 2009 (300 days away). Let us further suppose that this inmate, on July 1, 2009 (after he has served 180 days) earns an associate's degree which entitles him to 120 days meritorious credits. Most inmates then mistakenly think that they should be released immediately because as of July 1, 2009 their projected expiration date was 120 days away and they earned 120 meritorious credits through the associate's degree. When NDOC gives the inmate the 120 day meritorious credit, re-computes the projected expiration date and tells the inmate his new projected expiration date is not immediately but 60 days away on September 1, 2009, the inmates then mistakenly believe NDOC is only giving them 60 days credit instead of 120. The fact that you can't subtract the 120 days meritorious credit from the remaining 120 projected days is borne out by the fact that you can't discharge a 600

day sentence if you only serve 180 days and are given a 120 day credit, shown as follows:

Flat time, Good time, Work time, Total

120 days credit (Assoc.) = 120 days

plus 180 days served + 120 days + 60 days = 360 days

300 days + 120 days + 60 days = 480 days

So, even with a 120 day credit, an inmate who serves 180 days cannot earn enough flat-time, good time and work time to complete a 600 day sentence. One cannot subtract the 120 meritorious days from the remaining 120 projected days and conclude a sentence should be discharged. Estimating a new sentence date does not work that way.

If, however, you subtract the 120 meritorious credits from the original 600 day sentence, this leaves a 480 day sentence. To project a new expiration date, one can divide the 480 days by 2 to arrive at the correct projected expiration date of 240 days. This calculation is borne out by the following:

Flat time, Good time, Work time, Total

120 days credit (Assoc.) = 120 days

plus 240 days served + 160 days + 80 days = 480 days

360 days + 160 days + 80 days = 600 days

Thus, in order to expire a 600 day sentence, after getting a credit of 120 days for earning an associate's degree, an inmate has to serve 240 days to reach the 480 days necessary to expire a 600 day sentence. This calculation again assumes that the inmate earns the maximum good-time credits and maximum work-time credits during the 240 days he serves. Because the inmate had served 180 days when he received the associate's degree, he has to serve another 60 days before he can complete his sentence, so his projected expiration date is recomputed to 60 days away on September 1, 2009. It is understandable why some inmates believe they are getting only half of the credits they earned, but nonetheless, their belief is incorrect.

[State of Nevada Home Page](#)

[Board of State Prison Commissioners](#)

[Pardons Board](#)

[Parole Board](#)

[Silver State Prison Industries](#)

[SSI - Officer Clothing Embroidery](#)

[Silver Source Forms Portal](#)

Nevada Department of Corrections Copyright © 2014. All rights reserved. Site developed by NDOC MIS Division

1 WHEREFORE, Glenn Doolin, prays that the court grant Glenn Doolin
2 relief to which he may be entitled in this proceeding.

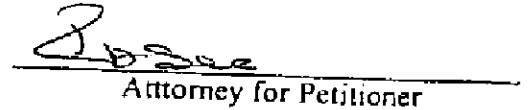
3 EXECUTED at Southern Desert Corr. Ctr.
4 on the 18th day of Oct., 2016

5
6 
7 Signature of Petitioner

8 VERIFICATION

9 Under penalty of perjury, pursuant to N.R.S. 208.165 et seq., the undersigned declares that he is
10 the Petitioner named in the foregoing petition and knows the contents thereof; that the pleading is
11 true and correct of his own personal knowledge, except as to those matters based on information and
12 belief, and to those matters, he believes them to be true.

13
14 
15 Signature of Petitioner

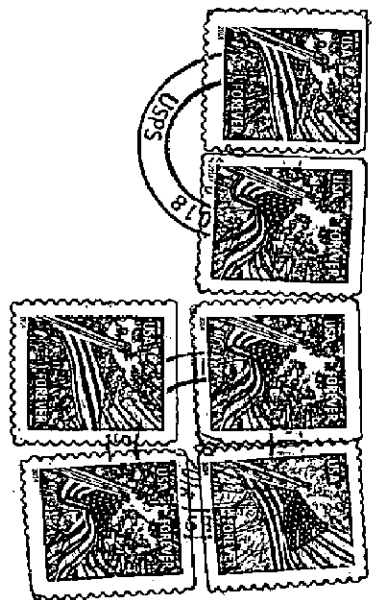
16
17 
18 Attorney for Petitioner

E. Doolin #1023173
 P.O. Box 208 S.D.C.
 Indian Springs, NV
 89070

Legall
 Legall

Southern Desert
 Correctional Center
 OCT 19 2016
 Outgoing Mail

Mr. Stewart Giverson
 Coast of the Coast
 200 - Lansing Ave. 3rd floor
 195 Vegas, NV. 89155-1160



Southern Desert
Correctional Center
OCT 19 2016
Outgoing Mail

Handwritten signature or initials.



1 **OPWH – AB510**

2
3
4 **DISTRICT COURT
CLARK COUNTY, NEVADA**

5 **GLENN DOOLIN,**

6 Petitioner(s),

7 vs.

8 **STATE OF NEVADA; NEVADA
DEPARTMENT OF CORRECTIONS,**

9 Respondent(s).

Case No.: **A-16-745766-W**

Dept. No.: 7

10
11 **ORDER FOR PETITION FOR WRIT OF HABEAS CORPUS**

12 Petitioner filed a Petition for Writ of Habeas Corpus on October 27, 2016. The Court
13 has reviewed the Petition and has determined a response would assist the Court in
14 determining whether Petitioner has been awarded all appropriate good-time credits as
15 provided in Assembly Bill 510 and, good cause appearing therefore,

16 IT IS HEREBY ORDERED, Respondent shall, within 45 days after the date of this
17 Order, Answer or otherwise respond to the Petition and file a return in accordance with the
18 provisions set out in NRS 209.

19 IT IS FURTHER ORDERED, this matter shall be placed on calendar on **Tuesday,**
20 **JULY 18, 2017 at 9:00 a.m.** in District Court Department 7, Courtroom 3B.

21
22 DATED this 7th day of June, 2017.

23
24
25
26
27
28 
LINDA MARIE BELL
DISTRICT COURT JUDGE

HEARING DATE
ALREADY ENTERED

JUN 07 2017

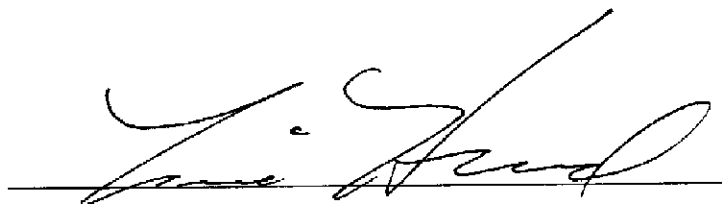
LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of the filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Glenn Doolin #1023173
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, NV 89070-0208

Office of the Attorney General
Appellate Division
555 E. Washington Ave., Suite 3900
Las Vegas, NV 89101-1068

A handwritten signature in black ink, appearing to read 'Tina Hurd', is written over a horizontal line.

TINA HURD, Judicial Executive Assistant



RSPN
ADAM PAUL LAXALT
Attorney General
Jessica Perlick (Bar No. 13218)
Deputy Attorney General
State of Nevada
Office of the Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068
(702) 486-3799 (phone)
(702) 486-2377 (fax)
JPerlick@ag.nv.gov

Attorneys for Respondents

DISTRICT COURT

CLARK COUNTY, NEVADA

GLENN DOOLIN,

Petitioner,

vs.

STATE OF NEVADA, et al.,

Respondents.

Case No. A-16-745766-W
Dept. No. VII

Date of Hearing: 7/18/2017
Time of Hearing: 9:00 a.m.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Respondents, by and through legal counsel, Adam Paul Laxalt, Nevada Attorney General, and Jessica Perlick, Deputy Attorney General, hereby oppose Petitioner Glenn Doolin's *Petition for Writ of Habeas Corpus* filed on October 27, 2016. The Nevada Department of Corrections (NDOC) has properly awarded Doolin credit against his sentence in conformity with NRS 209.4465 and Doolin has failed to show that he is entitled to any additional credit. This response is made based upon the papers and pleadings on file herein and the following points and authorities.

DATED this 17th day of July, 2017.

ADAM PAUL LAXALT
Attorney General

By: /s/ Jessica Perlick
Jessica Perlick (Bar. No. 13218)
Deputy Attorney General

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **BACKGROUND**

4 Petitioner Glenn Doolin is currently incarcerated at the Southern Desert Correctional Center.
5 *See* Exhibit 1, *Inmate Search*. Doolin is serving a sentence arising from criminal actions he committed
6 on June 15, 2012. *See* Exhibit 2, *Amended Information*. The Court adjudicated Doolin guilty as a Small
7 Habitual Criminal, a category B felony, on April 10, 2013. *See* Exhibit 3, *Judgment of Conviction*. The
8 Court sentenced Doolin to a maximum term of one hundred fifty months, with a minimum parole
9 eligibility of sixty months, with no credit for time served. *See id.*¹ The Court further ordered Doolin's
10 sentence to run consecutive to two previous sentences, both of which have now expired. *See*, Exhibit 4,
11 *Offender Legal Orders* (showing Doolin's active sentence). Now Doolin is actively serving his Small
12 Habitual Criminal sentence in the Southern Desert Correctional Center. *See id.*²

13 **II.**

14 **ARGUMENT**

15 **A. The Court Should Deny Doolin's Petition Because He Has Failed to Show That NDOC**
16 **Incorrectly Computed His Credit.**

17 A post-conviction petition for writ of habeas corpus is a unique pleading which can address
18 either civil or criminal issues, depending upon the content of the challenge. Despite the unique nature,
19 these types of petitions are limited in scope, and can only raise one of two issues: a request for relief
20 from a judgment of conviction or sentence, or a challenge to the computation of time a petitioner has
21 served pursuant to a judgment of conviction. NRS 34.720. A post-conviction petition pursuant to NRS
22 34.720 cannot be used to challenge the loss of constitutional rights; this relief is simply not a
23 cognizable form of habeas relief.

24 ///

25 ¹ The Court also adjudicated Doolin guilty of a gross misdemeanor, for which the Court
26 imposed a twelve month sentence in Clark County Detention Center, consecutive to the Small Habitual
27 Criminal sentence.

27 ² As the petition challenges NDOC's computation of time, rather than the Petitioner's judgment
28 of conviction or sentence, Respondents do not address NRS 34.760.

1 In his Petition, Doolin alleges a variety of constitutional challenges, none of which can be raised
2 in an NRS 34.720 petition. The crux of Doolin's argument is a mistaken belief that he was only
3 convicted of a category C felony, despite the Court's adjudicating him as a Small Habitual Criminal,
4 which is a category B felony.³ Based on his incorrect understanding, Doolin alleges that NDOC must
5 apply his stat time to his minimum sentence. Doolin misunderstands the applicable law, and he is not
6 entitled to relief.

7 **1. Doolin Has Been Awarded Good Time Credits in Accordance With NRS 209.4465.**

8 NRS 209.432 to 209.451, inclusive, provide the statutory framework for the application of
9 credit to an inmate's sentence. The appropriate statute is determined by the date that the crime was
10 committed. In this case, the court adjudicated Doolin as a small habitual criminal based on crimes he
11 committed in 2012. Therefore, his credit is governed by NRS 209.4465, which awards good time
12 credits as follows:

13 **NRS 209.4465 Credits for offender sentenced for crime committed
14 on or after July 17, 1997.**

15 1. An offender who is sentenced to prison for a crime committed on or
16 after July 17, 1997, who has no serious infraction of the regulations of the
17 Department, the terms and conditions of his residential confinement or
18 the laws of the State recorded against him, and who performs in a
19 faithful, orderly and peaceable manner the duties assigned to him, must
20 be allowed:

- 21 (a) For the period he is actually incarcerated pursuant to his sentence;
22 (b) For the period he is in residential confinement; and
23 (c) For the period he is in the custody of the Division of Parole and
24 Probation of the Department of Public Safety pursuant to NRS 209.4886
25 or 209.4888, a deduction of 20 days from his sentence for each month he
26 serves.

27 So long as an inmate abides by the law and prison regulations, he is entitled to 20 good-time credits per
28 month. Doolin's credit history shows that NDOC has awarded him 20 good-time credits per month for
every month he has been incarcerated on his active sentence. *See Exhibit 5, Credit History by Sentence.*
Doolin has failed to show that he is entitled to any more good-time credits than NDOC has awarded
him.

26 ///

27 _____
28 ³ It is also worth noting that Doolin's opportunity to challenge the findings in his judgment of
conviction, including the adjudication as a Small Habitual Criminal, expired in 2014. *See* NRS 34.726.

1 **2. Application of Credit Against Doolin's Minimum Sentence is Prohibited by NRS**
2 **209.4465(8).**

3 NDOC is prohibited by law from applying credit to Doolin's parole eligibility. NRS 209.4465
4 applies to Doolin, whose crime was committed after July 17, 1997.⁴ Under NRS 209.4465(8) an inmate
5 who is convicted of "any crime that is punishable as a felony involving the use or threatened use of
6 force or violence against the victim," or who has been convicted of a category A or B felony, is not
7 eligible to have his credits applied against his parole eligibility or minimum sentence. NRS
8 209.4465(8)(a) and (d). Doolin is actively serving a sentence as a Small Habitual Criminal, which is a
9 category B felony. Doolin does not understand that, in making the findings necessary to adjudicate him
10 as a Small Habitual Criminal, the Court entered a conviction and sentence to a category B felony. The
11 conviction and finding are intertwined. As such, NRS 209.4465(8) governs the application of Doolin's
12 credit, and it unequivocally prohibits NDOC from applying credit to his minimum term or parole
13 eligibility. *See also* NRS 213.120.

14 **3. The *Vonseydewitz* Decision Does Not Apply, as Doolin's Crime Was Committed**
15 **After the 2007 Amendment of NRS 209.4465.**

16 Although he does not specifically cite the case, Doolin utilizes much of the rationale for his
17 position from the case of *Vonseydewitz vs. Legrand*, Case No. 66159, 2015 WL 3936827 (Nev. June
18 24, 2015). Therefore, Respondent will address this Petition as though Doolin made a *Vonseydewitz*
19 claim. As an initial matter, *Vonseydewitz* is an unpublished decision and is not binding precedent upon
20 this Court. Moreover, the *Vonseydewitz* decision is at odds with the decision of the Supreme Court in
21 *Kille vs. Cox*, Case No. 64480 (Nev. Sept. 18, 2014), also an unpublished decision. As the
22 *Vonseydewitz* decision represents unsettled law, it should not be relied upon by any petitioner.

23 Even if it were published, *Vonseydewitz* would still not apply to Doolin's case, as the law that
24 governed application of *Vonseydewitz*'s credit is different from that to be applied here. Crucially, the
25 respective crimes of *Vonseydewitz* and Doolin were committed during different years. The Nevada
26

27 ⁴ NRS 209.432 to 209.451, inclusive, provide the statutory framework for the application of
28 credit to an inmate's sentence. The appropriate statute is determined by the date that the crime was
committed.

1 Supreme Court has made clear that the *Vonseydewitz* decision does not affect crimes, like Doolin's,
2 committed after 2007.⁵ This is because the language of the applicable statutes— NRS 209.4465 and
3 NRS 213.120—was amended in 2007 and negates the analysis applied in *Vonseydewitz*. Here Doolin's
4 active offense took place in 2012, long *after* the 2007 amendment. Thus, even viewing the
5 *Vonseydewitz* opinion in the light most favorable to Doolin, the logic of *Vonseydewitz* does not apply to
6 his crime, he is not entitled to additional credits, and his reliance upon the *Vonseydewitz* decision is
7 erroneous.

8 **III.**

9 **CONCLUSION**

10 For the reasons stated above, this Court should dismiss Doolin's *Petition for Writ of Habeas*
11 *Corpus* for failure to state a claim upon which relief can be granted.

12 Respectfully submitted this 17th day of July, 2017.

13 ADAM PAUL LAXALT
14 Attorney General

15 By: /s/ Jessica Perlick
16 Jessica Perlick (Bar No. 13218)
17 Deputy Attorney General

18
19
20 ⁵ Specifically, the Court stated, in an order denying *en banc* reconsideration, that *Vonseydewitz*
21 applies to:

22 Those [inmates convicted of] crimes committed on or between July 17, 1997 and
23 June 30, 2007;
24 Where the inmate's sentence does not fall under the parole limited provisions of
25 NRS 453.3405(1);
26 Where the sentence has not expired nor the inmate gone before the parole board
27 for that sentence, *see Niergarth v. Warden*, 105 Nev. 26, 29, 768 P.2d 882, 884
28 (1989);
And then only for the time period when deductions have not already been
applied retroactively pursuant to NRS 209.4465(8), *see* 2007 Nev. Stat., ch. 525
§ 21, at 3196.

Vonseydewitz vs. Legrand, No. 66159, at n. 1 (Nev. Feb 19, 2016) (order denying *en banc*
reconsideration).

1
2 **AFFIRMATION**
3 **(Pursuant to NRS 239B.030)**

4 The undersigned does hereby affirm that the foregoing document does not contain the social
5 security number of any person.

6 Dated: July 17, 2017.

7 ADAM PAUL LAXALT
8 Attorney General

9 By: /s/ Jessica Perlick
10 Jessica Perlick (Bar No. 13218)
11 Deputy Attorney General
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Exhibit 1

Inmate Search

Search By Offender ID

Offender ID: 1023173

-or-

Search By Demographics

First Name: Wildcard %

Last Name: Wildcard %

Submit**NOTICE:**

The information provided here represents raw data. As such, the Nevada Department of Corrections makes no warranty or guarantee that the data is error free. The information should not be used as an official record by any law enforcement agency or any other entity.

Any questions regarding an inmate, please call Family Services at (775) 887-3367. Victims looking for inmate information please contact Victim Services at (775) 887-3393. Any questions regarding the web portal for law enforcement access to inmate information should be referred to PIO Brooke Keast, email: bkeast@doc.nv.gov or (775) 887-3309

Currently the following web browsers are supported for the Inmate Search: Internet Explorer 11, Chrome, Firefox and Opera. If you are unable to view inmate photos, please use a supported browser.

Download Offender DataDemographic, Alias, Booking, Parole, Release

Up to date as of 2017-07-06

Identification and Demographics

Offender ID	First Name	Last Name	Gender	Race	Age	Height	Weight	Build	Hair Color	Eye Color	Facial Features	Current Level	Current Facility	Parole Status
GLENN MILLER DOOLIN	1023173	Male	CAUCASIAN	57	5'10"	170lb	MEDIUM	FAIR	BLACK	BROWN	SOUTHERN DESERT CORRECTIONAL CENTER	MEDIUM	GLENN M. DOOLIN, GLENN MILLER DOOLINS, GLENN DULAN, GLYNN MILLER DOOLIN, JEFFREY LOUIS DICK, GLENN MILLER DULAN, GLENN MILLER DULON, MILLER DOOLIN, JEFFREY DICK, GLENN DOOLIN, MILLER DULAN, JEFFREY LOUIS DICK	YES

Booking Information

Offender ID	Offense Description	Current Status	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date	Next Date
2281	ATT FORGERY	Discharged	12 mo.	30 mo.	2008-12-17	2009-07-03	DETERMINE	2008-05-08					
3521	ATT POSSESSION STOLEN VEHICLE	Inactive	12 mo.	34 mo.	2011-07-31	2012-08-26	DETERMINE	2011-01-01					
496	UNATH ABSENCE FROM PLACE OF ASSIGNMENT	Discharge to Consecutive	0 yr. 18 mo. 0 days	0 yr. 48 mo. 0 days	2014-02-14	2014-05-01	CLARK COUNTY COURTHOUSE	2014-10-30	DETERMINE	2012-08-15			
3560	HABITUAL CRIMINAL (LESSER)	Active	0 yr. 60 mo. 0 days	0 yr. 150 mo. 0 days	2019-10-30	2020-10-12	CLARK COUNTY COURTHOUSE	2021-04-14	DETERMINE	2014-10-31			

Inmate Photo**Parole Hearing Details**

Offender ID	Parole Hearing Date	Parole Hearing Location
111041	2008-10-20	PAROLE BOARD ROOM 301
139009	2011-05-05	PAROLE BOARD ROOM 201
151950	2013-11-25	PAROLE BOARD ROOM 101
151950	2014-02-03	PAROLE BOARD ROOM 101

Exhibit 2

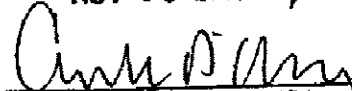
Amended Information

ORIGINAL

1 INFM
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 NOREEN DEMONTE
6 Chief Deputy District Attorney
7 Nevada Bar #008213
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

NOV 06 2012

BY: 
CAROLE D'ALOIA, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

C-12-284106-1
AINF
Amended Information
1894707



9 THE STATE OF NEVADA,
10
11 Plaintiff,

CASE NO: C-12-284106

DEPT NO: XXV

12 -vs-

12 GLENN DOOLIN, aka
13 Glenn Miller Doolin, #1990096
14 Defendant.

AMENDED
INFORMATION

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
18 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

19 That GLENN DOOLIN, aka Glenn Miller Doolin, the Defendant(s) above named,
20 having committed the crimes of GRAND LARCENY AUTO (Category C Felony - NRS
21 205.228.2) and POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor - NRS
22 205.080), on or about the 15th day of June, 2012, within the County of Clark, State of
23 Nevada, contrary to the form, force and effect of statutes in such cases made and provided,
24 and against the peace and dignity of the State of Nevada,

25 COUNT 1 - GRAND LARCENY AUTO

26 did then and there intentionally, unlawfully, and feloniously, with intent to deprive
27 the owner permanently thereof, steal, take, carry away, drive away or otherwise remove a
28 motor vehicle owned by another person, in the possession of SCOOTER UP LAS VEGAS,

1 to-wit: a 2012 TAOTAO Moped, bearing VIN No. L9NTEACB0C1013333.

2 COUNT 2 - POSSESSION OF BURGLARY TOOLS

3 did wilfully and unlawfully have in his possession, a tool and/or tools commonly used
4 for the commission of a burglary, larceny, or other crime, to-wit: a screwdriver, under
5 circumstances evincing an intent by Defendant to use or employ said tools in the
6 commission of a crime.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY NOREEN DEMONTE
11 NOREEN DEMONTE
12 Chief Deputy District Attorney
Nevada Bar #008213

13 Names of witnesses known to the District Attorney's Office at the time of filing this
14 Information are as follows:

15 <u>NAME</u>	<u>ADDRESS</u>
16 ARCINIEGA, DAVID	LVMPD P#14185
17 COLUCCI, ANGELO	LVMPD P#13379
18 CUSTODIAN OF RECORDS	CCDC
19 CUSTODIAN OF RECORDS	LVMPD DISPATCH
20 CUSTODIAN OF RECORDS	LVMPD RECORDS
21 DARROW, ROBERT	600 LAS VEGAS BLVD. SO., LVN
22 DEWERDE, SANTINO	LVMPD P#14183
23 MCGILL, JOSEPH	LVMPD P#3351
24 SALAZAR, SALIM	LVMPD P#13350
25 SCHWALBACH, WAYNE	616 LAS VEGAS BLVD. SO., LVN
26 TINO, ROCKY	616 LAS VEGAS BLVD. SO., LVN

1 **UNDER NO CIRCUMSTANCES IS THE LANGUAGE CONTAINED**
2 **HEREINAFTER TO BE READ TO A JURY HEARING THE PRIMARY OFFENSE**
3 **FOR WHICH THE DEFENDANT IS PRESENTLY CHARGED.**

4 Defendant GLENN DOOLIN, aka Glenn Miller Doolin, hereinbefore named, is
5 placed on notice that, in accordance with the authorization of NRS 207.010, punishment
6 imposed pursuant to the above-stated habitual criminal statute will be urged upon the Court
7 if said Defendant is found guilty on the primary offenses of GRAND LARCENY AUTO, for
8 which the Defendant is presently charged.

9 This page concerning the prior convictions hereinbelow set forth is to be considered
10 by the Court in its discretion ONLY after the finding of guilty of Defendant on the primary
11 charge herein.

12 That said Defendant GLENN DOOLIN, aka Glenn Miller Doolin, has been FOUR (4)
13 TIMES convicted of crimes, which, under the laws of the situs of the crime and/or the State
14 of Nevada, amount to felonies, to-wit:

15 1. That on or about the 23rd day of January, 1995, the Defendant was convicted
16 in the Commonwealth of Virginia, City of Danville, Circuit Court of Danville, for the crime
17 of LARCENY, in Case No. C94-011224.

18 2. That in 2002, the Defendant was convicted in and for the Superior Court of the
19 State of North Carolina, County of Mecklenburg, for the crime of LARCENY OF AUTO, in
20 Case No. 02CRS243350.

21 3. That on or about the 31st day of July, 2008, the Defendant was convicted in
22 the Eighth Judicial District Court, in and for the County of Clark, State of Nevada, for the
23 crime of ATTEMPT FORGERY, in Case No. C244957.

24 ///

25 ///

26 ///

27 ///

28 ///

1 4. That on or about the 26th day of January, 2011, the Defendant was convicted
2 in the Eighth Judicial District Court, in and for the County of Clark, State of Nevada, for the
3 crime of ATTEMPT POSSESSION OF STOLEN VEHICLE, in Case No. C262611.

4 STEVEN B. WOLFSON
5 Clark County District Attorney
6 Nevada Bar #001565

7 BY *N. Demonte*
8 NOREEN DEMONTE
9 Chief Deputy District Attorney
10 Nevada Bar #008213

11 DO NOT READ TO THE JURY
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27 DA#12F09527X/dd-rop
28 LVMPD EV#120615-0571
 (TK1)

Exhibit 3

Judgment of Conviction


CLERK OF THE COURT

1 JOCP
2
3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA
6

7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C284106-1

9 -vs-
10

DEPT. NO. XXV

11 GLENN DOOLIN
12 aka Glenn Miller Doolin
13 #1990096

Defendant.
14

15 JUDGMENT OF CONVICTION
16 (PLEA OF GUILTY)
17

18 The Defendant previously appeared before the Court with counsel and entered
19 a plea of guilty to the crimes of COUNT 1 – GRAND LARCENY AUTO (Category C
20 Felony), in violation of NRS 205.228.2, and COUNT 2 – POSSESSION OF
21 BURGLARY TOOLS (Gross Misdemeanor), in violation of NRS 205.080; thereafter, on
22 the 10TH day of April, 2013, the Defendant was present in court for sentencing with his
23 counsel, RYAN BASHOR, Deputy Public Defender, and good cause appearing,
24

25 THE DEFENDANT IS HEREBY ADJUDGED guilty of COUNT 2 –
26 POSSESSION OF BURGLARY TOOLS (Gross Misdemeanor) and, under the SMALL
27 HABITUAL Criminal Statute the Defendant is ADJUDGED guilty of COUNT 1 –
28 GRAND LARCENY AUTO (Category C Felony) and, in addition to the \$25.00

APR 26 2013

1 Administrative Assessment, the Defendant is sentenced as follows: as to COUNT 1 -
2 to a MAXIMUM of ONE HUNDRED FIFTY (150) MONTHS with a MINIMUM Parole
3 Eligibility of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC),
4 COUNT 1 to run CONSECUTIVE to Cases C283685 and C262611; and as to COUNT
5 2 - TWELVE (12) MONTHS in the Clark County Detention Center (CCDC), COUNT 2
6 to run CONSECUTIVE to COUNT 1; with ZERO (0) DAYS Credit for Time Served. As
7 the Fee and Genetic Testing have been previously imposed, the Fee and Testing in the
8 current case are WAIVED.

9
10 DATED this 24th day of April, 2013

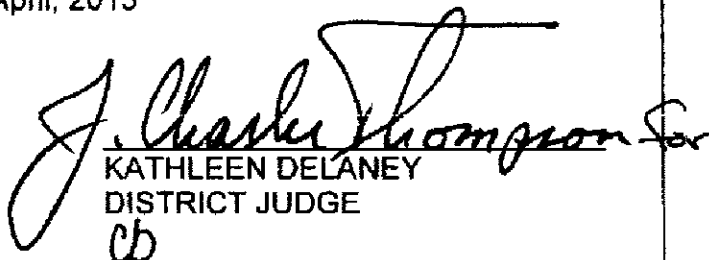
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14 KATHLEEN DELANEY
15 DISTRICT JUDGE
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Exhibit 4

Offender Legal Orders



State of Nevada
Department of Corrections
OFFENDER LEGAL ORDERS

DOOLIN, GLENN MILLER 1023173

Next Parole Expiration Date(NPD):

RECOMMENDED RELEASE DATE:

SEQUENCE DATE	RETRD DATE	OFFENSE DESCRIPTION	SEQUENCE CONSECUTIVE TO	SEQUENCE SEQ	GOVMT	MINIMUM	MAXIMUM	LFE	STATUS	STATUS DATE	PERC	MPD
C# C284106-1	04/10/2013	16012014	3580	HABITUAL CRIMINAL (LESSER)	1	1	2	1	DY 60M 00	DY 150M 00	A	10/17/2020
C# 281665	10/31/2012	08/15/2012	495	UNLAW ABSENCE FROM PLACE OF ASSIGNMENT	1	1	1	1	DY 10M 00	DY 48M 00	DCS	05/01/2014

SEQUENCE DATE	RETRD DATE	OFFENSE DESCRIPTION	SEQUENCE CONSECUTIVE TO	SEQUENCE SEQ	GOVMT	MINIMUM	MAXIMUM	LFE	STATUS	STATUS DATE	PERC	MPD
A		Active										
D		Discharged										
DCS		Discharge to Consecutive										
DP		Paroled										
I		Inactive										
CT		Overturned										
P		Pending										
P667		PEND667										
PTC		Parole to Consecutive										
REACT		Reactivated										
SUSP		Suspended										

Exhibit 5

Credit History By Sentence



State of Nevada
Department of Corrections
Credit History by Sentence
MAX Term

Offender: DOOLIN, GLENN - 0001023173

Sentence: 1

Count: 1

Current Earned Expiration Date:

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
283685	10/31/2012	76	08/15/2012	0y 48m 0d	1461	02/14/2014	10/30/2014	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/15/2012	08/31/2012	FLAT	17	No Comment	1444
08/15/2012	08/31/2012	STAT	11	No Comment	1433
08/15/2012	08/31/2012	WORK	0	No Comment	1433
09/01/2012	09/30/2012	FLAT	30	No Comment	1403
09/01/2012	09/30/2012	STAT	20	No Comment	1383
09/01/2012	09/30/2012	WORK	0	No Comment	1383
10/01/2012	10/30/2012	FLAT	30	No Comment	1353
10/01/2012	10/30/2012	STAT	20	No Comment	1333
10/01/2012	10/30/2012	WORK	0	No Comment	1333
10/31/2012	10/31/2012	FLAT	1	No Comment	1332
10/31/2012	10/31/2012	STAT	0	No Comment	1332
10/31/2012	10/31/2012	WORK	1	No Comment	1331
11/01/2012	11/30/2012	FLAT	30	No Comment	1301
11/01/2012	11/30/2012	STAT	20	No Comment	1281
11/01/2012	11/30/2012	WORK	0	Projected Credits not Earned on 12/11/2012 03:00:29	1281
12/01/2012	12/31/2012	FLAT	31	No Comment	1250
12/01/2012	12/31/2012	STAT	20	No Comment	1230
12/01/2012	12/31/2012	WORK	0	Projected Credits not Earned on 01/11/2013 03:00:42	1230
01/01/2013	01/31/2013	FLAT	31	No Comment	1199
01/01/2013	01/31/2013	STAT	20	No Comment	1179
01/01/2013	01/31/2013	WORK	0	Projected Credits not Earned on 02/11/2013 03:00:24	1179
02/01/2013	02/28/2013	FLAT	28	No Comment	1151
02/01/2013	02/28/2013	STAT	20	No Comment	1131
02/01/2013	02/28/2013	WORK	0	Projected Credits not Earned on 03/11/2013 03:00:39	1131
03/01/2013	03/31/2013	FLAT	31	No Comment	1100
03/01/2013	03/31/2013	STAT	20	No Comment	1080
03/01/2013	03/31/2013	WORK	0	Projected Credits not Earned on 04/11/2013 03:00:30	1080
04/01/2013	04/30/2013	FLAT	30	No Comment	1050
04/01/2013	04/30/2013	STAT	20	No Comment	1030
04/01/2013	04/30/2013	WORK	6	05/08/2013 Education/Student - 6	1024
05/01/2013	05/31/2013	FLAT	31	No Comment	993
05/01/2013	05/31/2013	STAT	20	No Comment	973
05/01/2013	05/31/2013	WORK	0	Projected Credits not Earned on 06/11/2013 02:45:42	973
06/01/2013	06/30/2013	FLAT	30	No Comment	943
06/01/2013	06/30/2013	STAT	20	No Comment	923
06/01/2013	06/30/2013	WORK	0	Projected Credits not Earned on 07/11/2013 02:45:55	923
06/11/2013	06/27/2013	MR_CP_CTC	15	Commitment to Change Core Program Phase I Volumes	908

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: DOOLIN, GLENN - 0001023173

Sentence: 1

Count: 1

Current Earned Expiration Date:

Case	Sentence Dt	JC	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
283685	10/31/2012	76	08/15/2012	0y 48m 0d	1461	02/14/2014	10/30/2014	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
07/01/2013	07/31/2013	FLAT	31	No Comment	877
07/01/2013	07/31/2013	STAT	20	No Comment	857
07/01/2013	07/31/2013	WORK	0	Projected Credits not Earned on 08/11/2013 02:45:34	857
08/01/2013	08/31/2013	FLAT	31	No Comment	826
08/01/2013	08/31/2013	STAT	20	No Comment	806
08/01/2013	08/31/2013	WORK	0	Projected Credits not Earned on 09/11/2013 02:46:02	806
09/01/2013	09/30/2013	FLAT	30	No Comment	776
09/01/2013	09/30/2013	STAT	20	No Comment	756
09/01/2013	09/30/2013	WORK	0	10/09/2013 Offender Specific - 10 	756
10/01/2013	10/31/2013	FLAT	31	No Comment	725
10/01/2013	10/31/2013	STAT	20	No Comment	705
10/01/2013	10/31/2013	WORK	0	11/05/2013 Offender Specific - 10 	705
11/01/2013	11/30/2013	FLAT	30	No Comment	675
11/01/2013	11/30/2013	STAT	20	No Comment	655
11/01/2013	11/30/2013	WORK	10	12/09/2013 Offender Specific - 10	645
11/04/2013	11/18/2013	MR_CP_CTC	15	Commitment to Change Core Program Phase II Volumes	630
12/01/2013	12/31/2013	FLAT	31	No Comment	599
12/01/2013	12/31/2013	STAT	20	No Comment	579
12/01/2013	12/31/2013	WORK	10	Projected Credits not Earned on 01/11/2014 02:45:	569
01/01/2014	01/31/2014	FLAT	31	No Comment	538
01/01/2014	01/31/2014	STAT	20	No Comment	518
01/01/2014	01/31/2014	WORK	0	Projected Credits not Earned on 02/11/2014 02:47:12	518
02/01/2014	02/28/2014	FLAT	28	No Comment	490
02/01/2014	02/28/2014	STAT	20	No Comment	470
02/01/2014	02/28/2014	WORK	1	Projected Credits not Earned on 03/11/2014 02:51:	469
03/01/2014	03/31/2014	FLAT	31	No Comment	438
03/01/2014	03/31/2014	STAT	20	No Comment	418
03/01/2014	03/31/2014	WORK	0	Projected Credits not Earned on 04/11/2014 02:45:55	418
04/01/2014	04/30/2014	FLAT	30	No Comment	388
04/01/2014	04/30/2014	STAT	20	No Comment	368
04/01/2014	04/30/2014	WORK	0	Projected Credits not Earned on 05/11/2014 02:45:40	368
05/01/2014	05/31/2014	FLAT	31	No Comment	337
05/01/2014	05/31/2014	STAT	20	No Comment	317
05/01/2014	05/31/2014	WORK	0	Projected Credits not Earned on 06/11/2014 02:47:57	317
06/01/2014	06/30/2014	FLAT	30	No Comment	287
06/01/2014	06/30/2014	STAT	20	No Comment	267
06/01/2014	06/30/2014	WORK	10	Projected Credits not Earned on 07/11/2014 02:45:	257
07/01/2014	07/31/2014	FLAT	31	No Comment	226
07/01/2014	07/31/2014	STAT	20	No Comment	206
07/01/2014	07/31/2014	WORK	10	Projected Credits not Earned on 08/11/2014 02:45:	196
08/01/2014	08/31/2014	FLAT	31	No Comment	165
08/01/2014	08/31/2014	MR_CP_CTC	15	No Comment	150
08/01/2014	08/31/2014	STAT	20	No Comment	130

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Offender: DOOLIN, GLENN - 0001023173

Sentence: 1

Count: 1

Current Earned Expiration Date:

Case	Sentence Dt	JG	Retro Dt	MAX Term	Days Owed	PED	PEXD	Status
283685	10/31/2012	76	08/15/2012	0y 48m 0d	1461	02/14/2014	10/30/2014	DCS

From Date	To Date	Adjust Code	Adjust Days	Comments	Days Remaining
08/01/2014	08/31/2014	WORK	10	09/03/2014 Offender Specific - 10	120
09/01/2014	09/30/2014	FLAT	30	No Comment	90
09/01/2014	09/30/2014	STAT	20	No Comment	70
09/01/2014	09/30/2014	WORK	10	No Comment	60
10/01/2014	10/30/2014	FLAT	30	No Comment	30
10/01/2014	10/30/2014	STAT	20	No Comment	10
10/01/2014	10/30/2014	WORK	10	No Comment	0

The PEXD is the 'Projected Expiration Date', as such it is a projected date, and should only be considered an approximation of the actual release date. When NDOC staff have determined the actual release date, the offender's release caseworker will be informed. Entries in Blue are future credits that have not been earned yet.

Steven D. Grierson

1 Glenn M. Doolin #1023173

2 In Propria Personam
3 Post Office Box 208, S.D.C.C.
4 Indian Springs, Nevada 89018

5 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6
7 IN AND FOR THE COUNTY OF CLATSOP

8 Glenn M. Doolin

9
10 Plaintiff,

11 vs. The State of Nevada

12 Defendant.
13
14

Case No. 16-745765-W

Dept. No. VII

Docket _____

15
16 **NOTICE OF APPEAL**

17 NOTICE IS HEREBY GIVEN, That the Petitioner/Defendant,
18 Glenn M. Doolin, in and through his proper person, hereby
19 appeals to the Supreme Court of Nevada from the ORDER denying and/or
20 dismissing the

21 Petition for Writ of Habeas Corpus

22
23 ruled on the 18th day of July, 20 17.

24
25 Dated this 31 day of July, 20 17.

26 Respectfully Submitted,

27 Glenn M. Doolin

28 RECEIVED

AUG 3 - 2017

#123
CLERK OF THE COURT

CERTIFICATE OF SERVICE BY MAILING

I, Glenn M. Doolin, hereby certify, pursuant to NRCP 5(b), that on this 31
day of July, 2017, I mailed a true and correct copy of the foregoing, "Notice
of Appeal"

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

The Clerk of Court
8th District Court
300 Lewis Ave
Las Vegas NV 89102

CC:FILE

DATED: this 31 day of July, 2017.

Glenn M. Doolin
Glenn M. Doolin #1023173
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

(Title of Document)

filed in District Court Case number _____

☐ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Signature

Date

Print Name

Title

To: The Clerk of the Court
From: Glenn Doolin # 1028173

Ref: CA # R-116-745766-W
Dept. VII

Sir: Please Electronic File this appeal, & send
copies to where they need to go: and please send
me my copies.

Thank You in Advance
Glenn M. Doolin # 1028173

P.O. Box 208 SDC

Jordan Springs NJ 89070

RECEIVED

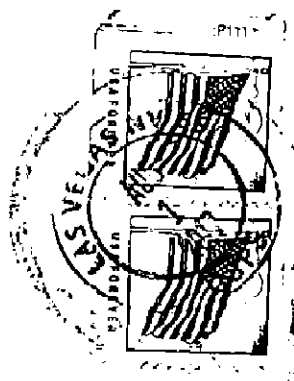
AUG 3 - 2017 *MD*

CLERK OF THE COURT

Glass Doolin #102312
P.O. Box 208 EDC
Tucson Arizona 85701

Southern Desert
Correctional Center
AUG - 1 2017
Outgoing Mail

The Clerk of the Court
8th Judicial District Court
300. Grand Ave.
P.O. Box 208 EDC
Tucson Arizona 85701



Glenn Doolin, #1023173
Petitioner/In Propria Persona
Post Office Box 208, SDCC
Indian Springs, Nevada 89070-0208

Electronically Filed
8/3/2017 2:05 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

Glenn M. Doolin
Plaintiff,

vs.

The State of Nevada
Defendant.

CASE No. A-16-745766-W
DEPT. No. VII

DESIGNATION OF RECORD ON APPEAL

TO: The Clerk of Court
8th Judicial District Court
200 Lewis Ave
Las Vegas, NV 89101

The above-named Plaintiff hereby designates the entire record of the above-entitled case, to include all the papers, documents, pleadings, and transcripts thereof, as and for the Record on Appeal.

DATED this 31 day of July, 2017.

RESPECTFULLY SUBMITTED BY:

Glenn M. Doolin
Glenn M. Doolin #1023173
Plaintiff/In Propria Persona

RECEIVED

AUG 03 2017

#23

CLERK OF THE COURT



1 ASTA

2
3
4
5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**

9 GLENN DOOLIN,

10 Plaintiff(s),

11 vs.

12
13 STATE OF NEVADA; NEVADA DEPARTMENT
14 OF CORRECTIONS,

15 Defendant(s),

Case No: A-16-745766-W

Dept No: VII

16
17 **CASE APPEAL STATEMENT**

18 1. Appellant(s): Glenn M. Doolin

19 2. Judge: Linda Marie Bell

20 3. Appellant(s): Glenn M. Doolin

21 Counsel:

22
23 Glenn M. Doolin #1023173

24 P.O. Box 208

Indian Springs, NV 89070

25 4. Respondent (s): State of Nevada; Nevada Department of Corrections

26 Counsel:

27 Adams Paul Laxalt, Attorney General

28 555 E. Washington Ave., Ste. 3900

Las Vegas, NV 89101-1068

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis**: N/A
***Expires 1 year from date filed*
Appellant Filed Application to Proceed in Forma Pauperis: No
Date Application(s) filed: N/A

9. Date Commenced in District Court: October 27, 2016

10. Brief Description of the Nature of the Action: Civil Writ

Type of Judgment or Order Being Appealed: Civil Writ of Habeas Corpus

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 7 day of August 2017.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann
Heather Ungermann, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Glenn M. Doolin

Glenn Doolin, 1003013
Case No. 10-16-745766-0
Section 5 (Papers) / 1003013
(Continued Paper Return)

Electronically Filed
08/11/2017

Alvin J. Smith
CLERK OF THE COURT

*District Court
Clark County Nevada*

Glenn Doolin,
Plaintiff,

Case No. 10-16-745766-0

Dep No: VII

vs.-

The State of Nevada, et al
Defendants.

"Answer to Complaint for writ of
Habeas Corpus"

Comes now the Plaintiff, Glenn Doolin, in Paper Return, with the court at-
tention of an inmate law clerk, in the above entitled document "Answer to Complaint
for writ of Habeas Corpus". This answer is given by the Plaintiff (hereinafter
Doolin), for the reason for delay, but to support the claim and grounds made
in the Complaint for writ of Habeas Corpus, and to make clear the legal
challenge made by Doolin which affects the Constitution, and as calculated
by the U.S. Sec. and the application of Nevada Statutes which govern such,
and provide a liberty interest. The following is made in good faith, and
based upon the belief and clear plain language of controlling law,
enacted by the Nevada legislature.

RECEIVED
JUL 10 2017
CLERK OF THE COURT

Rampersden argues that to be adjudicated and convicted are "one in the same", and are intertwined which allows Doolin to be deemed convicted of a Category B felony, thus being barred from seeking Goodtime/Workday applications because Doolin's minimum sentence structure. To be Adjudged and Convicted are separate and distinct. Black's Law Dictionary defines "Adjudication" as: 1) The legal process of resolving a dispute; and defines "Conviction" as: 1) The Act or process of judicially finding some one guilty of a crime; the state of being proved guilty; 2) The judgment (as by a jury verdict) that a person is guilty of a crime; 3) A crime being or person. Black's law dictionary clearly provides that the Eighth Fed. Dist. Ct. Did Not find Doolin guilty of the crime of Acting as an habitual criminal.

Because the habitual criminal enhancement statute affects the sentencing stage of the proceedings, the legislature clearly intended that it be charged before sentencing, thus this statute ^{provides} permits the habitual criminal enhancement to be charged after conviction, "See Crotcher v. E (1984) 2nd Dist. Ct. 953 P.2d 823 (1993)". As the pre-trial and trial process are not affected, but the sentencing stage and phase, one must first be convicted to reach the sentencing phase, and Doolin did not face a possible conviction of the habitual criminal status, as its petition or invocation comes after conviction of a primary offense, the habitual criminal enhancement is Not a Secondary offense. (quote: "Porter v. State, 678 P.2d 1155 (1984)"). As such, Doolin was not convicted of a Secondary offense, which is an enhancement and statute that provides a Category B felony punishment. Doolin's primary offense is a Category C felony (not a Category B felony).

An offender's category of felony and type of offense dictates how the N.D.C.C. treats and applies a 2.5% punishment towards an offender's sentence structure; when an offender will be paroled, and eventually when a offender's expiration of the term imposed will be reached. If an incorrect type of felony is held against an offender, then liberty interests are at risk, as a sentence can be prolonged, and parole review dates over-taxed, and can bar offenders from programs that only take certain classes of felonies.

Respondents exhibit "3", the Judgment of Conviction, provides exactly what Doolin is being "convicted" of and what "punishment" he is receiving. On page 1, Lns 18-24 provide the following:

"... The Defendant previously appeared before the Court with Counsel and Entered a Plea of Guilty to the crimes of Count 1 - Grand Larceny auto (Category E felony) in violation of W.S. 20A.228.2; and Count Two (2) - Possession of burglary tools (Gross misdemeanor) in violation of W.S. 20A.080; Thereafter on the 10th day of April 2013, the Defendant was present in Court for Sentencing..."

[* A description of ~~events~~ shows that Doolin did not enter a plea of guilt to
* a crime of Habitual Criminal, and was not Found Guilty of such ***]

"... with his Counsel Ryan Becker, Deputy Public Defender, and good cause appearing... [pg 1 Lns 25-28:] - The Defendant is Hereby Adjudged Guilty of Count 2 - Possession of burglary tools (Gross misdemeanor) and under the Small Habitual Criminal statute the defendant is Adjudged Guilty of Count 1: Grand Larceny Auto (Category C felony)..."

The Judgment of Conviction clearly states that Doolin was Adjudged Guilty of a Category C felony not a Category B, This Bolsters Doolin's belief that the category of "punishment" is a "B type" under W.S. 19B.130 and W.S. 20A.010 in combination, and the "Category of Conviction" is an Non-Violent type C felony, which allows Doolin to receive credit application towards his minimum terms of incarceration under W.S. 20A.446.5. The Respondent's interpretation of the deciding factors that allow the application of W.S. 20A.446.5 (as it is new statute) are in correct and fail; The W.D.C.'s interpretation also fails, allowing for an inconsistent application of the law, (a Constitutional protection under the (4th) Fourteenth Amendment of the United States Constitution, (Equal and Fair treatment of the law), has been violated by such inconsistent application, which causes direct harm to befall Doolin as his incarceration terms are prolonged or not receiving the proper treatment under W.S. statutes.

2.) Doolin has properly filed his claims under a Petition for Writ of Habeas Corpus, as the calculation of time is in question.

Respondents allege that Doolin's grounds do not meet the limited scope to be filed under a Habeas Corpus petition, as Constitutional violations appear and is not Cognizable form of Habeas relief. Respondents further allege that the "Time limit" to raise such issues that challenge the findings in Doolin's judgment of Conviction, including the adjudication as a Small Habitual Criminal, expired in 2014. From the Respondents statements, apparently they did not take the time to read exactly what Doolin was challenging in his Petition. Doolin Does Not challenge his Conviction or Sentence imposed, nor raise issues of such. Doolin Challenges 1) his conviction is a category E felony, Not the Conviction Hears; 2). That as a Category E felony He is allowed Good Time / work day credits to be applied to Doolin's minimum sentence imposed under NRS 209.4465, (which has been denied due to the improper classification of Doolin's category of offense, as a category B felony Conviction); and 3). That as Doolin has been denied the proper application of NRS 209.4465, a Liberty Interest has been violated, which evokes the protections of the United States Constitution's provisions.

At No time does Doolin state, "the Court has Errored by finding the defendant guilty of a Category E felony then sentencing him to the Habitual Criminal Enhancement". Doolin has stated quite the opposite, Doolin only wishes that the language of each statute involved with Doolin's Conviction and enhancement statute be correctly applied, as an incorrect reading will cause severe harm to Doolin's incarceration. The only way Doolin has to correct and prevent such is by writ of Habeas Corpus, allowing the Court to review such De Novo and order the N.D.C. to apply NRS 209.4465 credits towards Doolin's minimum term, as is allowed by a Non-Violent category E conviction, which Doolin is being held under by the judgment of Conviction.

Though Respondents argue that Doolin has not properly filed a petition which challenges the "computation of time" of Doolin's incarceration, three (3) issues arise which denote that Doolin has correctly filed his grounds and relief can be provided by this Court. The first and easiest issue to resolve is though Respondents argue against Doolin, Respondents then "Change Course" and confirm that Doolin is in fact challenging the computation of time in their response on pg 2 Lns 27-28 Annotation #2 which reads: "As the petition challenges N.D.C.'s computation of time, rather than the Petitioner's judgment of conviction or sentence, Respondents do not address NRS 31.760...". Doolin has properly filed his claims,

Second, Doolin presents grounds that can only be reviewed and/or ruled upon by way of an Habeas Corpus writ. Doolin's grounds address the application and enforcement of NRS statutes and how they are incorrectly applied. Here Doolin must demonstrate that his conviction type or category is wrongly interpreted and listed, then demonstrate that with the proper category of felony Doolin is allowed a specific application of Good Time Credits. These issues are properly filed in a petition for Habeas Corpus. In "Bentwright v. Director Dept of Prisons, 849 P.2d 274 (1993)", the Nevada Supreme Court held: "... Writ of Habeas Corpus is available to allow presentation of 'questions of law' that can not otherwise be reviewed, or that are so important as to render ordinary procedure inadequate and justify extraordinary remedy...".

Doolin has presented two "questions of law", 1). Does the "primary offense" that one is convicted under dictate the application of NRS 209.4465 towards a offenders minimum sentence structure?, and if so, it is that category of the offense, and not an enhancement that denies such?, and 2) Is the Habitual Criminal Status/enhancement a "primary offense"? and if not does the category of its "punishment clause" become the deciding factor of what category of felony an offender is convicted of? These questions affect the "running" of Doolin's incarceration terms especially the minimum sentence structure; parole review dates; mandatory parole review dates and more importantly the Expiration of Doolin's sentence. Though these questions are not the exact same questions asked in "Nevada Dept of Prisons v. Bowen, 103 Nev 477 (1987)"; the Nevada Supreme Court has heard similar styles of questions of law and how interacting NRS statutes affect an offenders incarceration, and the Due Process clause would be violated in determining how to calculate Good Time Credits if so doing would be detrimental to the offender.

Background

Petitioner Dooin filed a Petition for writ of Habeas Corpus, challenging the Computation and Calculation of specific NZS studies, which control the basis and or "way" Dooin would serve his term of incarceration, as the application of NZS 209.4465 (Good Time/Work Time) towards Dooin's sentence structures. The Respondents have issued its Response raising issues of 1) what style and type of challenges can be raised on a petition for writ of Habeas Corpus; 2) Application of NZS 209.4465 is prohibited to be applied to Dooin's minimum term; and 3) "Vervaeke de Wit" grounds. This Response was made on July 17th 2017. Dooin now responds and provides his answer.

Points and Authorities

The Respondents state that Dooin has Failed to state a claim that is consistent with claims allowed by NZS 34.720 - which is a challenge to an offenders Computation of time served by an offender, and that a loss of a Constitutional right can not be filed on a petition for Habeas Corpus under NZS 34.720. Respondents also allege that Dooin has a mistaken belief that he was only convicted of a Category 'C' felony. Respondents allege Dooin misunderstands the applicable law, and as such is not entitled to relief. Respondents do correctly note that Dooin does so challenge the style and type of felony conviction, and has even has applied statutes that provide early release, (Good time) credits, and that the denial of such violates Constitutional safeguards and protections.

To be very clear, Dooin challenges how NZS studies are applied to his Correct Conviction, which calculates his parole dates, and expiration dates, with the correct application of Good/Work day credits towards his minimum sentence structure

1). Doolin has Not been awarded Good Time credits to be applied to Doolin's Minimum "term of incarceration":

On November 6th 2012, Doolin was charged by way of an Amended Information with, Count One: Grand Larceny Auto (NRS 205.22B.2; Category C felony); and Count Two: Possession of Burglary tools (Gross misdemeanor, NRS 205.080). Doolin was also given a Notice that the State of Nevada would seek Habitual treatment if Doolin was convicted of the Primary offenses. (See Respondents Exhibit 2). Respondents exhibit #2 pg 3 provides the States notice of Habitual treatment, which provided:

"Under No circumstances is the language contained herein after to be read to a Jury Hearing the primary offense for which the Defendant is presently charged". (Lns 1-3).

"Defendant Glenn Doolin aka Glenn Miller Doolin herein before named is placed on Notice that in accordance with the authorization of NRS 207.010, punishment imposed pursuant to the above stated habitual criminal statute will be urged upon the Court if said Defendant is found guilty on the Primary offenses of Grand Larceny Auto, for which the Defendant is presently charged. (pg 3 Lns 3-7).

It is clear from the Plain language of the Amended Information that Doolin is Not charged under the Habitual Criminal Statute, as it is not an act of criminal intent or conduct which is criminal in nature. It is also clear that to receive treatment of Habitual Criminal Statute, Doolin must first be Convicted of the primary offense. As such without a Conviction, Doolin can not be treated nor subjected to the Habitual Criminal treatment. Respondents would like to have the Court view that Doolin was Convicted of the primary offense then at a new and separate sentencing hearing Doolin was Convicted again. This is clearly not the case. To be Convicted, a plea of guilt or verdict by a jury must be established, Doolin did not plea guilty to being an habitual offender, and was not found such by a jury.

with page 3 of the Amended Information being Confidential in nature, as it is not allowed to be viewed/read to a jury, then it can be viewed that it does not allege any criminal conduct or allege a violation of an NRS statute with the "elements of criminal conduct" performed by Dooin, allowing for a Conviction to be reached. A criminal Complaint must allege and provide the allegations the State believe a defendant committed, and the NRS statute it violates in such to prepare a defense against such allegations. Here, Dooin was only facing the charges of Counts One and Two of the Amended Information. (See Nevada Const. art 1 § 5, cl 1; NRS 173.035 - .105). Respondents fail to note that Dooin is facing primary offenses, none of which are the Habitual criminal, as it is based upon an After effect of a Fact finding proceeding, which leads to a Conviction.

NRS 207.010, entitled "Habitual criminals: Definition; punishment," must be viewed as a statute that informs a defendant of "what takes place next if certain measures are met", As it defines the after effect of a procedure, as here, it must note that a conviction must be achieved first before the procedures outlined in NRS 207.010 are invoked. The very first lines of NRS 207.010 reads:

"1. . . Unless the person is prosecuted pursuant to NRS 207.012 or 207.014, a Person Convicted in this state of:

(a) Any Felony, who has previously been two times convicted, whether in this State or elsewhere, of any crime which under the laws of the State of the crime or of this state would amount to a felony is a Habitual criminal and SHALL be Punished for a category B felony by imprisonment in the State prison
...

At No time in NRS 207.010 state that a person Convicted of a crime is also Convicted of another crime, it states a Person shall be punished for a Category B felony. . . A punishment is Not a Conviction of a Primary offense. Dooin's Sentence structure is that proscribed in NRS 193.130 (b), and also does not describe conduct that a person must do to be charged by way of a Criminal Complaint or information.

The second and last issue raised that Respondents argue is that the challenges raised of Constitutional dimension by Doolin can not be raised in an NRS 34.720 petition. As Doolin stated previously, in the case of "Bower" supra, the Due Process clause would be violated in the determination of how to calculate Good Time Credits, if it would be detrimental to the offender. The Due Process clause is a Fundamental Constitutional Protection and does not involve itself into the way or Process an offenders credits are calculated. The Current Denial of credit application is a violation of an liberty interest which was made known by the State legislature by enacting provision that allow an offender to earn an early release. Fundamental safeguards per the United States and State of Nevada Constitutions are properly alleged and are allowed in the circumstances herein, to be raised in a petition under NRS 34.720. Doolin states that the determination of how the calculation and application of Good Time Credits is Detrimental, and violates Constitutional provisions, and requests the Court to intervene, this is the cry heart of a Hebrew Corp, to protect those from Detrimental treatment under the guise of current enforcement of the law.

3. Doolin Does Not Rely upon the Nevada Supreme Courts Findings in Vonyashvitz, as alleged.

Respondents incorrectly believe that Doolin wishes to use as authority "Vonyashvitz, via Heard, Case No 66159, (Nov 24, 2015)", Doolin only refers to the case as the Nevada Supreme Court recognized the difference in the wording and language used by the Nevada Legislature, when providing a "Punishment Clause" in NRS statutes which describe criminal activity, as two forms of sentence/punishment clauses exist. Doolin understands completely that the "Vonyashvitz" decision surrounds the Ex Post Facto Clause and the interpretation of punishments, which do not concern Doolin, or his grants filed in his petition, Nev. Sup. Ct rule 123, "Citation to unpublished opinions and orders" states that an unpublished opinion could be used by a Petitioner, yet Doolin Does Not rely upon the holding of Nevada Sp. Ct opinion; but its finding of how the language of a punishment clause is interpreted and used for good time credit application.

Respondents further argue that the Vandeydenitz decision, which was ruled upon in 2015, is at odds with Hille v. Cox, Case no 64480 (Nov. Sept 18th 2014). As both cases are unpublished, then Respondents incorrectly argue that there is an "Unsettled issue of Law". An unpublished decision is not an authority or binding precedent as Respondents assert on pg 4 line 16-22 of their response. Respondents seem unable to realize that their arguments contradict themselves, its either an Authority to be cited or its not, it certainly can not be both unless the requirements of 3.C.R.123 are met.

Dodlin does not cite to Vandeydenitz, and any fact that may be deemed the same are only the factors that were used to determine a Parole Eligibility punishment clause and a Minimum/maximum punishment clause. Dodlin does Not assert Ex Post Facto issues, even though Respondents believe he has done so. Again Dodlin challenges how provisions are applied to his sentence structure, with the enacted laws that were in effect at the time of Dodlin's arrest and conviction of a Category E felony.

4.) Dodlin has Not been convicted of a Category B felony as Respondents allege; and must receive the correct application of DRS 209.4465, allowing credits to be applied to Dodlin's Minimum Sentence Structure.

As Nevada law creates a liberty interest in sentencing procedures, that are protected by the Due Process clause of the Fourteenth Amendment (see: Walker v. Deeds, 50 F.2d 670 (9th Cir. 1993)); and as the "Charge of prior Convictions" is not a statement of an "additional offense" (which would require the right to a jury trial) but only affecting possible punishment, and the Habitual Criminal hearing is Not a "Case" in the Constitutional sense, (quoting McCann v. Fipioni, 370 F.2d 42, (1966); and Harvard v. State, 422 P.2d 545 (1967)), a "determination" and not a Conviction is what Dodlin faced by being traced as an Habitual offender, thus Dodlin was Not convicted of a Category B felony, as clearly Dodlin can Not be tried by a jury of a Habitual Criminal Status.

"A proceeding under the Habitual Criminal Act does not charge a separate substantive crime, but is an averment of fact which affects punishment. . . . The hearing is precluded and does not increase punishment for the principal offense; it allows increased punishment for a recidivist (quoting Attorney vs. State, 438 P.2d 729, (1968)). As the Court has discretion not to impose a penalty under the Habitual Criminal Statute regardless of the number of valid prior convictions, and it is the Court's discretion to impose a small habitual criminal statute or large (quoting Hodges v. State, 78 P.2d 67 (1938)).

As the Court has the discretion to either impose the statute, and therefore the punishment of a Habitual offender, it also demonstrates that this is not the standard or type of DRS statute that demands a punishment after conviction. A substantive crime is a Primary offense, not a provision that increases a punishment. Further, to have the authority and discretion to Dismiss a Court under the Habitual Criminal Statute displays that no proof of a crime must be shown by the charging party. In Argument (and example) a defendant that is charged with an nro violation by way of criminal Complaint either must 1) Show by a fact or evidence that he is innocent to have the Court dismissed; or 2) The District attorney must show by fact or evidence that the defendant is guilty; These steps are not necessary for a Court to dismiss a Court of Habitual Criminal Statute, which Balances the fact that a Conviction is not the same as an adjudication of fact. (See French vs. State, 645 P.2d 410 (1982)).

The Nevada Supreme Court held in "McCall v. State, 634 P.2d 1210 (1981)", that the purpose of the Habitual Criminal Statute is not to charge a [Separate offense] separate substantive crime, but to allege a fact which may enhance the punishment; as such since the determination of whether an accused is an Habitual Criminal is Essentially Independent of the determination of Guilt on the Substantive offense, the Two determinations may be made in Separate proceedings (see Curry v. Blawie, 657 F. Supp 947 (1986)), the No Conviction can be gained or achieved by a finding of Habitual Criminal Statute, and therefore the "primary offense" is what determines a Conviction; its category and punishment remains. As Dan Dartin was not considered of a Category B felony, but a Category C and must receive the benefits and liberty interests of Dan category conviction.

Conclusion

Petitioner Doolin has demonstrated that he has filed grounds that pertain to his terms of incarceration, how they are "typed", and how such affects the determination of his parole review dates and expiration which leads to Doolin being Released from prison. The incorrect typing of the category of offense Doolin was convicted of has played havoc upon his minimum sentence structure, and has allowed denial of such legislative benefits, NRS 209.4465. To correct such, Doolin has filed this instant petition and provides the facts, and Nevada Supreme Court holdings which allow this court to determine such in Doolin's favor. Doolin requests this court find that Doolin's Primary offense dictates that NRS 209.4465 is to be applied, and that NRS 209.4465 allows the provision of Good time / Work time credits towards Doolin's minimum sentence structure. Doolin also requests any relief this court deems necessary to provide the means necessary to Uphold Doolin's Constitutional Rights.

Respectfully submitted this 7th day of August 2017

Glenn Doolin
Glenn Doolin #1023173
SDCC P.O. Box 208
Indian Springs NV 89670

Verification

Under the penalty of perjury, the undersigned Declares that the Undersigned is the Petitioner named in the foregoing Document, knows the Contents thereof and is True, correct and based upon the Petitioner's belief.

x 8-7-17

Date

x Glenn Dodin

Glenn Dodin #1023173

Affirmation

NRS 239B.030

The undersigned does hereby affirm that the preceding "Petitioner's" Answer to Response for writ of Habeas Corpus filed in case # A-16-745766-W Does Not Contain the Social Security number of any person

x 8-7-17

Date

x Glenn Dodin

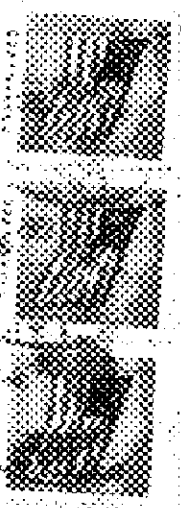
Glenn Dodin

Certificate of Service

I, Glenn Dodin hereby certify pursuant to NRS 5(b) that on x Aug- 7th 2017, I mailed a true and correct copy of the attached document "Answer to Response for writ of Habeas Corpus", was mailed to the following:

Eighth Judicial District Court
Attn Court Clerk
200 Lewis Ave
Las Vegas NV 89155

William Jackson # 1033113
 P.O. Box 208, 208
 Jackson, Mississippi, MS 39201

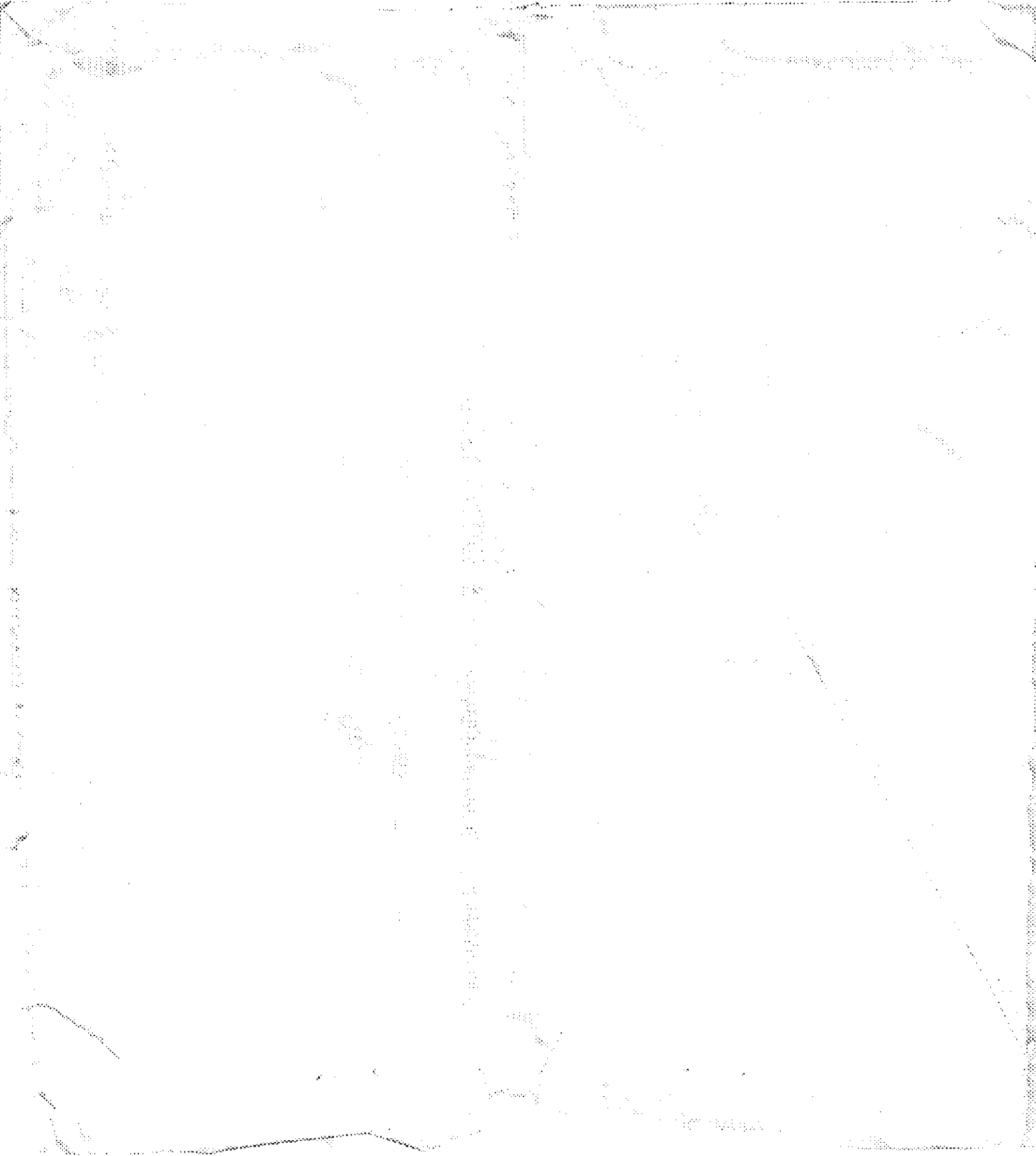


The Clerk of the Court
 Eighth Judicial District Court
 200 - Louisiana Ave
 Jackson, Mississippi 39201

Ref # 1033113

Outgoing Mail

Aug 10 1988
 Jackson, MS 39201





1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 GLENN DOOLIN,

5 Petitioner,

6 vs.

7 STATE OF NEVADA, ET AL.,

8 Respondents.

Case No. A-16-745766-W

Dept. No. VII

9 **DECISION AND ORDER**

10 Now before the Court is Petitioner Glenn Doolin's Petition for Writ of Habeas Corpus. The
11 matter came before the Court on July 18, 2017. No parties were present and as the Court did not
12 entertain oral arguments, now rules based solely on the pleadings pursuant to NRS 34.770(2). The
13 Court denies Mr. Doolin's Petition for Writ of Habeas Corpus.

14 **I. Factual and Procedural Background**

15 Glenn Doolin is currently serving a sentence of a maximum sentence of one hundred fifty
16 months in the Nevada Department of Corrections (NDOC) with minimum parole eligibility after
17 sixty months as a Small Habitual Criminal, a category B felony. The offense giving rise to this
18 adjudication occurred on April 10, 2013.

19 Mr. Doolin filed his Petition for Writ of Habeas Corpus on October 27, 2016. Mr. Doolin
20 alleges the Nevada Department of Corrections failed to properly apply good time credit to his
21 minimum parole eligibility. Mr. Doolin argues he is entitled to a deduction of 20 days from his
22 parole eligibility date for each month he has served pursuant to NRS 209.4465. Mr. Doolin also
23 cites an unpublished Nevada Supreme Court decision: Vonseydewitz v. Legrand, No. 66159, 2015
24 WL 3936827 (Nev. June 24, 2015). The Attorney General's Office filed a response on July 17,
25 2017. The Attorney General's Office argues Mr. Doolin is not entitled to good time credit
26 deductions from his parole eligibility date under NRS 209.4465. Additionally, the Attorney
27 General's Office argues that Vonseydewitz is inapplicable.

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

007 09 00

II. Discussion

The Court notes that Vonseydewitz does not apply in the instant case. Vonseydewitz is an unpublished decision. Because it was issued before January 1, 2016, it cannot be cited for any persuasive value. In addition, Vonseydewitz interpreted NRS 209.4465 as it existed prior to 2007, before NRS 209.4465 was amended to include several key provisions. Mr. Doolin's offenses took place in 2014, after NRS 209.4465 was amended. Therefore, the Court will be applying the current format of NRS 209.4465.

Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or after July 17, 1997. An inmate that meets certain qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month the offender serves." NRS 209.4465(1). These credits "[a]pply to eligibility for parole" unless "otherwise provided in subsections 8 and 9." NRS 209.4465(7). Under subsection 8, the credits apply to eligibility for parole for:

an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony.

NRS 209.4465(8).

The Court finds Mr. Doolin is not entitled to good time credit deductions from his parole eligibility date under NRS 209.4465. Mr. Doolin is serving a sentence based on a category B felony. NRS 209.4465(8) specifically exempts this type of offense from NRS 209.4465(1)'s award for good time credit deductions from an inmate's parole eligibility date. Furthermore, Mr. Doolin's current sentence is for category B felon⁷ committed in 2013, after the effective date of the effective date of the 2007 amendment of NRS 209.4465, and therefore NRS 209. 4465(7) does not apply.


LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

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III. Conclusion

The Court finds Mr. Doolin is not entitled to any additional credits. Therefore, the Court denies Mr. Doolin's Petition for Writ of Habeas Corpus.

DATED this day of October 5, 2017.


LINDA MARIE BELL
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Glenn Doolin c/o Southern Desert Correctional Center	Petitioner
Jessica Perlick, Esq. Deputy Attorney General	Counsel for Respondent


TINA HURD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A745766 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 10/4/2017
District Court Judge



1 NEOJ

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 GLENN DOOLIN,

5
6 Petitioner,

Case No: A-16-745766-W

Dept. No: VII

7 vs.

8 STATE OF NEVADA; ET AL.,

9 Respondent,

NOTICE OF ENTRY OF ORDER

10
11 **PLEASE TAKE NOTICE** that on October 9, 2017, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

12 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on October 12, 2017.

15 STEVEN D. GRIERSON, CLERK OF THE COURT

16 /s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

18 **CERTIFICATE OF E-SERVICE / MAILING**

19 I hereby certify that on this 12 day of October 2017, I served a copy of this Notice of Entry on the following:

21 ☒ By e-mail:

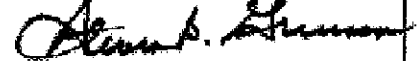
22 Clark County District Attorney's Office
Attorney General's Office – Appellate Division-

23
24 ☒ The United States mail addressed as follows:

25 Glenn Doolin // 1023173
P.O. Box 208
Indian Springs, NV 89070

26
27 /s/ Heather Ungermann

Heather Ungermann, Deputy Clerk



1 DAO

2 EIGHTH JUDICIAL DISTRICT COURT

3 CLARK COUNTY, NEVADA

4 GLENN DOOLIN,

5 Petitioner,

6 vs.

7 STATE OF NEVADA, ET AL.,

8 Respondents.

Case No. A-16-745766-W

Dept. No. VII

9 **DECISION AND ORDER**

10 Now before the Court is Petitioner Glenn Doolin's Petition for Writ of Habeas Corpus. The
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24 WL 3936827 (Nev. June 24, 2015). The Attorney General's Office filed a response on July 17,
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26 deductions from his parole eligibility date under NRS 209.4465. Additionally, the Attorney
27 General's Office argues that Vonseydewitz is inapplicable.

LINDA MARIE BELL
DISTRICT JUDGE
DEPARTMENT VII

28

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

II. Discussion

The Court notes that Vonseydewitz does not apply in the instant case. Vonseydewitz is an unpublished decision. Because it was issued before January 1, 2016, it cannot be cited for any persuasive value. In addition, Vonseydewitz interpreted NRS 209.4465 as it existed prior to 2007, before NRS 209.4465 was amended to include several key provisions. Mr. Doolin's offenses took place in 2014, after NRS 209.4465 was amended. Therefore, the Court will be applying the current format of NRS 209.4465.

Nevada Revised Statute 209.4465 governs the award of credits for crimes committed on or after July 17, 1997. An inmate that meets certain qualifications "must be allowed. . . a deduction of 20 days from his or her sentence for each month the offender serves." NRS 209.4465(1). These credits "[a]pply to eligibility for parole" unless "otherwise provided in subsections 8 and 9." NRS 209.4465(7). Under subsection 8, the credits apply to eligibility for parole for:

an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; or

(d) A category A or B felony.

NRS 209.4465(8).

The Court finds Mr. Doolin is not entitled to good time credit deductions from his parole eligibility date under NRS 209.4465. Mr. Doolin is serving a sentence based on a category B felony. NRS 209.4465(8) specifically exempts this type of offense from NRS 209.4465(1)'s award for good time credit deductions from an inmate's parole eligibility date. Furthermore, Mr. Doolin's current sentence is for category B felon⁷ committed in 2013, after the effective date of the effective date of the 2007 amendment of NRS 209.4465, and therefore NRS 209. 4465(7) does not apply.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date of filing, a copy of this Order was electronically served through the Eighth Judicial District Court EFP system or, if no e-mail was provided, by facsimile, U.S. Mail and/or placed in the Clerk's Office attorney folder(s) for:

Name	Party
Glenn Doolin c/o Southern Desert Correctional Center	Petitioner
Jessica Perlick, Esq. Deputy Attorney General	Counsel for Respondent


TINA HURD
JUDICIAL EXECUTIVE ASSISTANT, DEPARTMENT VII

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A745766 DOES NOT contain the social security number of any person.

/s/ Linda Marie Bell Date 10/4/2017
District Court Judge

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Writ of Habeas Corpus

COURT MINUTES

July 18, 2017

A-16-745766-W	Glenn Doolin, Plaintiff(s) vs. Nevada State of, Defendant(s)
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July 18, 2017	9:00 AM	Petition for Writ of Habeas Corpus
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HEARD BY: Hardcastle, Kathy

COURTROOM: RJC Courtroom 15A

COURT CLERK: Sylvia Perry

RECORDER: Renee Vincent

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Petition for Writ of Habeas Corpus

No parties present

Plaintiff is challenging the computation of time by the Nevada Department of Corrections (NDOC). Mr. Doolin is currently incarcerated in Southern Desert Correctional Center and was adjudicated guilty of a 2012 category B felony. He failed to show NDOC has incorrectly computed his credit. Additionally, he has been awarded good time credits and is prohibited from application of good time credits against his minimum sentence pursuant to the statute. COURT ORDERED, petition DENIED.

PRINT DATE: 07/18/2017

Page 1 of 1

Minutes Date: July 18, 2017

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated October 18, 2017, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 82.

GLENN DOOLIN,

Plaintiff(s),

vs.

STATE OF NEVADA; NEVADA
DEPARTMENT OF CORRECTIONS,

Defendant(s),

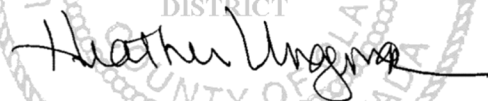
Case No: A-16-745766-W

Dept. No: VII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 9 day of November 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk